

P. ENT COOPERATION TREA.

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 01 December 2000 (01.12.00)	
International application No. PCT/AU00/00389	Applicant's or agent's file reference P17237PC00
International filing date (day/month/year) 01 May 2000 (01.05.00)	Priority date (day/month/year) 29 April 1999 (29.04.99)
Applicant FUCHSHUBER, Lilian et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 16 November 2000 (16.11.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Claudio Borton Telephone No.: (41-22) 338.83.38
--	---

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For recipient Office use only

International Application No.

International Filing Date

Name of Receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum) P17237PC00

Box No. I TITLE OF INVENTION	
NON-AQUEOUS LIQUID SHAMPOO COMPOSITION	
Box No. II APPLICANT	
Name and Address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)</i>	<input type="checkbox"/> This person is also inventor.
Soltec Research Pty Ltd., 8 Macro Court, Rowville. Victoria 3178 Australia.	Telephone No.
	Facsimile No.
	Teleprinter No.
State (i.e. country) of nationality: Australia	State (i.e. country) of residence: Australia
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input checked="" type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> The States indicated in the Supplemental Box	
Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)	
Name and Address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)</i>	This person is:
Fuchshuber, Lilian, 38 Tinks Road, Narre Warren. Victoria 3805 Australia	<input type="checkbox"/> applicant only
	<input checked="" type="checkbox"/> applicant and inventor
	<input type="checkbox"/> inventor only (if this check-box is marked, do not fill in below.)
State (i.e. country) of nationality: Australia	State (i.e. country) of residence: Australia
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input checked="" type="checkbox"/> the United States of America only <input type="checkbox"/> The States indicated in the Supplemental Box	
<input checked="" type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet	
Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE	
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: <input checked="" type="checkbox"/> agent <input type="checkbox"/> common representative	
Name and Address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)</i>	Telephone No.
WATERMARK PATENT & TRADEMARK ATTORNEYS 290 Burwood Road, Hawthorn, Victoria 3122 Australia	(03) 9819 1664
	Facsimile No.
	(03) 9819 6010
	Teleprinter No.
<input type="checkbox"/> Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.	

Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

If none of the following sub-boxes is used, this sheet is not to be included in the request

Name and Address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

Harding, Ron
128 Research Road,
North Warrandyte, Victoria 3113,
Australia

This person is:

- ☐ applicant only
- ☒ applicant and inventor
- ☐ inventor only (if this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:
AustraliaState (i.e. country) of residence:
AustraliaThis person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ the States indicated in the Supplemental Box

Name and Address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

This person is:

- ☐ applicant only
- ☐ applicant and inventor
- ☐ inventor only (if this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:

State (i.e. country) of residence:

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Name and Address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

This person is:

- ☐ applicant only
- ☐ applicant and inventor
- ☐ inventor only (if this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:

State (i.e. country) of residence:

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Name and Address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

This person is:

- ☐ applicant only
- ☐ applicant and inventor
- ☐ inventor only (if this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:

State (i.e. country) of residence:

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box☐ Further applicants and/or (further inventors are indicated on a continuation sheet.

See Notes to the request form

Box No. V DESIGNATION OF STATE

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

Regional Patent

- ☒ **AP** ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SL Sierra Leone, SZ Swaziland, TZ Republic of Tanzania, UG Uganda, ZW Zimbabwe, and any other State which is a contracting State of the Harare Protocol and of the PCT
- ☒ **EA** Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ **EP** European Patent: AT Austria, BE Belgium, CH and LI Switzerland and Lichtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☒ **OA** OAPI Patent: BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GW Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line)

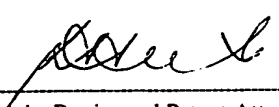
National Patent (if other kind of protection or treatment desired, specify on dotted line):

- | | |
|--|--|
| <input checked="" type="checkbox"/> AE United Arab Emirates..... | <input checked="" type="checkbox"/> LR Liberia..... |
| <input checked="" type="checkbox"/> AL Albania..... | <input checked="" type="checkbox"/> LS Lesotho..... |
| <input checked="" type="checkbox"/> AM Armenia..... | <input checked="" type="checkbox"/> LT Lithuania..... |
| <input checked="" type="checkbox"/> AT Austria..... | <input checked="" type="checkbox"/> LU Luxembourg..... |
| <input checked="" type="checkbox"/> AU Australia..... | <input checked="" type="checkbox"/> LV Latvia..... |
| <input checked="" type="checkbox"/> AZ Azerbaijan..... | <input checked="" type="checkbox"/> MD Republic of Moldova..... |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina..... | <input checked="" type="checkbox"/> MG Madagascar..... |
| <input checked="" type="checkbox"/> BB Barbados..... | <input checked="" type="checkbox"/> MK The Former Yugoslav Republic of Macedonia..... |
| <input checked="" type="checkbox"/> BG Bulgaria..... | <input checked="" type="checkbox"/> MN Mongolia..... |
| <input checked="" type="checkbox"/> BR Brazil..... | <input checked="" type="checkbox"/> MW Malawi..... |
| <input checked="" type="checkbox"/> BY Belarus..... | <input checked="" type="checkbox"/> MX Mexico..... |
| <input checked="" type="checkbox"/> CA Canada..... | <input checked="" type="checkbox"/> NO Norway..... |
| <input checked="" type="checkbox"/> CH and LI Switzerland and Liechtenstein..... | <input checked="" type="checkbox"/> NZ New Zealand..... |
| <input checked="" type="checkbox"/> CN China..... | <input checked="" type="checkbox"/> PL Poland..... |
| <input checked="" type="checkbox"/> CU Cuba..... | <input checked="" type="checkbox"/> PT Portugal..... |
| <input checked="" type="checkbox"/> CZ Czech Republic..... | <input checked="" type="checkbox"/> RO Romania..... |
| <input checked="" type="checkbox"/> DE Germany..... | <input checked="" type="checkbox"/> RU Russian Federation..... |
| <input checked="" type="checkbox"/> DK Denmark..... | <input checked="" type="checkbox"/> SU Sudan..... |
| <input checked="" type="checkbox"/> EE Estonia..... | <input checked="" type="checkbox"/> SE Sweden..... |
| <input checked="" type="checkbox"/> ES Spain..... | <input checked="" type="checkbox"/> SG Singapore..... |
| <input checked="" type="checkbox"/> FI Finland..... | <input checked="" type="checkbox"/> SI Slovenia..... |
| <input checked="" type="checkbox"/> GB United Kingdom..... | <input checked="" type="checkbox"/> SK Slovakia..... |
| <input checked="" type="checkbox"/> GD Grenada..... | <input checked="" type="checkbox"/> SL Sierra Leone..... |
| <input checked="" type="checkbox"/> GE Georgia..... | <input checked="" type="checkbox"/> TJ Tajikistan..... |
| <input checked="" type="checkbox"/> GH Ghana..... | <input checked="" type="checkbox"/> TM Turkmenistan..... |
| <input checked="" type="checkbox"/> GM Gambia..... | <input checked="" type="checkbox"/> TR Turkey..... |
| <input checked="" type="checkbox"/> HR Croatia..... | <input checked="" type="checkbox"/> TT Trinidad and Tobago..... |
| <input checked="" type="checkbox"/> HU Hungary..... | <input checked="" type="checkbox"/> UA Ukraine..... |
| <input checked="" type="checkbox"/> ID Indonesia..... | <input checked="" type="checkbox"/> UG Uganda..... |
| <input checked="" type="checkbox"/> IL Israel..... | <input checked="" type="checkbox"/> US United States of America..... |
| <input checked="" type="checkbox"/> IN India..... | |
| <input checked="" type="checkbox"/> IS Iceland..... | <input checked="" type="checkbox"/> UZ Uzbekistan..... |
| <input checked="" type="checkbox"/> JP Japan..... | <input checked="" type="checkbox"/> VN Viet Nam..... |
| <input checked="" type="checkbox"/> KE Kenya..... | <input checked="" type="checkbox"/> YU Yugoslavia..... |
| <input checked="" type="checkbox"/> KG Kyrgyzstan..... | <input checked="" type="checkbox"/> ZA South Africa..... |
| <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea..... | <input checked="" type="checkbox"/> ZW Zimbabwe..... |
| <input checked="" type="checkbox"/> KR Republic of Korea..... | |
| <input checked="" type="checkbox"/> KZ Kazakstan..... | |
| <input checked="" type="checkbox"/> LC Saint Lucia..... | |
| <input checked="" type="checkbox"/> LK Sri Lanka..... | |

Check-boxes reserved for designating States (for the purposes of a national patent) which have become party to the PCT after issuance of this sheet:

- ☒ **CR** Costa Rica.....
- ☒ **DM** Dominica.....
- ☒ **MA** Morocco.....
- ☒ **AG** Antigua & Barbados.....
- ☒ **DZ** Algeria.....
- ☒ **MZ** Mozambique.....

Precautionary Designation Statement: In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except the designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)

Box No. VI PRIORITY CLAIM		<input type="checkbox"/> Further priority claims are indicated in the Supplemental Box		
Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is: -		
		national application: country	regional application: * regional Office	international application: receiving Office
item (1) (29.04.1999) 29th April, 1999	PQ0029	Australia		Australia
item (2)				
item (3)				
<input checked="" type="checkbox"/> The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office for the purposes of the present international application is the receiving Office) identified above as item(s): item 1				
<i>Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(ii). See Supplemental Box.</i>				
Box No. VII INTERNATIONAL SEARCHING AUTHORITY				
Choice of International Searching Authority (ISA) (If two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen, the two-letter code may be used):		Request to use results of earlier search; reference to that search (if earlier search has been carried out by or requested from the International Searching Authority): Date (date/month/year) Number Country (or regional Office)		
ISA /				
Box No. VIII CHECK LIST; LANGUAGE OF FILING				
The international application contains the following number of sheets: request : 4 description excluding sequence listing part) : 19 claims : 2 abstract : 1 drawings : sequence listing part of description : Total number of sheets : 26		This international application is accompanied by the item(s) marked below: 1. <input checked="" type="checkbox"/> fee calculation sheet 2. <input checked="" type="checkbox"/> separate signed power of attorney 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: 4. <input type="checkbox"/> statement explaining lack of signature 5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s): 6. <input type="checkbox"/> translation of international application into (language): 7. <input type="checkbox"/> separate indications concerning deposited microorganisms or other biological material 8. <input type="checkbox"/> nucleotide and/or amino acid sequence listing in computer readable form 9. <input type="checkbox"/> other (specify):		
Figure of the drawings which should accompany the abstract:		Language of filing of the international application: ENGLISH		
Box No. IX SIGNATURE OF APPLICANT OR AGENT				
<i>Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).</i>				
 Karen J Sinclair, Registered Patent Attorney for and on behalf of WATERMARK PATENT & TRADEMARK ATTORNEYS				

For receiving Office use only			
1. Date of actual receipt of the purported international application:		2. Drawings:	
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:		<input type="checkbox"/> received:	
4. Date of timely receipt of the required corrections under PCT Article 11(2):		<input type="checkbox"/> not received:	
5. International Searching Authority (if two or more are competent):	ISA /	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid	
For International Bureau use only			
Date of receipt of the record copy by the International Bureau:			

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
WATERMARK PATENT & TRADEMARK
ATTORNEYS
Locked Bag 5
HAWTHORN VIC 3122

PCT

WRITTEN OPINION

(PCT Rule 66)

Date of mailing (day/month/year) 29 DEC 2000	
Applicant's or agent's file reference P17237PC	REPLY DUE within TWO MONTHS from the above date of mailing
International application No. PCT/AU 00/00389	International filing date (day/month/year) 01 May 2000
Priority Date (day/month/year) 29 April 1999	
International Patent Classification (IPC) or both national classification and IPC Int. Cl.⁷ A61K 47/44 A61P 17/06, 17/14, 17/04	
Applicant 1. SOLTEC RESEARCH PTY. LTD. et al	

1. This written opinion is the **FIRST** drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input checked="" type="checkbox"/>	Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: **29 August 2001**

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JENNIFER FERNANCE Telephone No. (02) 6283 2416
---	---

I. Basis of the opinion**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of .
- ☐ the claims, pages , as originally filed,
 pages , as amended under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of .
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of .
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of .

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims -	YES
	Claims 1-11	NO
Inventive step (IS)	Claims -	YES
	Claims 1-11	NO
Industrial applicability (IA)	Claims 1-9, 11	YES
	Claims 10	NO

2. Citations and explanations

Documents are cited in order in order of their appearance in the ISR

Novelty (N) Claims 1-11

D7 (Remington's) is cited as an example of common general knowledge of the art of cosmetics and pharmaceutical formulation chemistry.

D1 discloses cosmetic and pharmaceutical compositions as claimed in claims 1-8, 10, and 11 D2, D3 and D5 disclose cosmetic and pharmaceutical compositions as claimed in claims 1, 4-8, 10 and 11. D4 discloses cosmetic and pharmaceutical compositions as claimed in claims 1, 2, 4, 7-8, 10 and 11. In light of comments made in Box VIII, D6 discloses claims 1-11

The invention as claimed in claims 1-11 resides in the use of known cosmetic and pharmaceutical bulking/dispersing/solvents/thickening excipients such as PEG, hydroxy propyl cellulose and PPG. The use of such agents in substantially non-aqueous compositions is known (for example, see Remington's). The variation of concentration of these agents in order to obtain degrees of viscosity is also well known to the skilled addressee (a formulation chemist) as would the selection of a well known excipient in order not to effect the detergent and/or pharmaceutical active. Thus the choice of bulking/dispersing/thickening excipient and its concentration does not confer novelty on these claims.

None of the cited documents disclose the composition of claim 9.

Inventive Step (IS) Claims 1-11

In light of comments made above, the person skilled in the art ~~person skilled in the art~~ with the same problem to be solved and in light of the given documents, alone or in combination, and the common general knowledge of formulation chemistry, would be led to investigate the invention as presently claimed. The compounds of claim 9 are known pharmaceutical only slightly soluble in water

Industrial Applicability Claim 10

Rule 67 lists the subject matter which under Article 34(4)(a)(i) an international preliminary examination is not required to be carried out. At item (iv) it specifies methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods, as such matter. However the agreement between WIPO and Australia further qualifies this by excepting from exclusion any subject matter which is examined under national grant procedures. Claims 10 have nonetheless been considered because the identified subject matter does not contravene Australian law.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The use of the term "detergent" within the claim includes compounds such as surfactants (also used as stabilisers). It also includes the use of water, perfume, ethanol etc. as all these compounds are detergents (cleaning agents)

The bulking agent can also have other activities, for example, glycerol and PEG.

Claim 11 as drafted is considered a process claim.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To: Agent :

**WATERMARK PATENT & TRADEMARK
ATTORNEYS
Locked Bag 5
HAWTHORN VIC 3122**

NOTIFICATION OF RECEIPT OF DEMAND BY COMPETENT INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rule 59.3(e) and 61.1(b), first sentence
and Administrative Instructions, Section 601(a))

Date of mailing 22 NOV 2000
(day/month/year) (22/11/00)

Applicant's or agent's file reference
P17237PC

IMPORTANT NOTIFICATION

International application No.
PCT/AU00/00389

International filing date (day/month/year)
1 MAY 2000 (1/5/00)

Priority date (day/month/year)
29 APR 1999 (29/4/99)

Applicant

Soltec Research Pty. Ltd. (et al.)

1. The applicant is hereby **notified** that this International Preliminary Examining Authority considers the following date as the date of receipt of the demand for international preliminary examination of the international application:

16 NOV 2000 (16/11/00)

2. That date of receipt is:

- ☒ the actual date of receipt of the demand by this Authority (Rule 61.1(b)).
- ☐ the actual date of receipt of the demand on behalf of this Authority (Rule 59.3(e)).
- ☐ the date on which this Authority has, in response to the Invitation to correct defects in the demand (Form PCT/IPEA/404), received the required corrections.

3. ☐ **Attention:** That date of receipt is **AFTER** the expiration of 19 months from the priority date. Consequently, the elections(s) made in the demand does (do) not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)). Therefore, the acts for entry into the national phase must be performed within 20 months from the priority date (or later in some Offices) (Article 22). For details, see the *PCT Applicant's Guide, Volume II*.

☐ (If applicable) This notification confirms the information given by telephone, facsimile transmission or in person on:

4. Only where paragraph 3 applies, a copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail: pct@ipaustalia.gov.au
Facsimile No. 02 6285 3929

Authorized officer **JOSEPH BRESIC**
02 6283 2357
Telephone No.

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The name or two-letter code of that Authority may be indicated by the Applicant on the line below:
IPEA/

P C T

D E M A N D

CHAPTER II

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of
International preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA		Date of Receipt of DEMAND	
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION		Applicant's or agent's file reference	
International application No. PCT/AU00/00389	International filing date (<i>day/month/year</i>) ((01.05.2000) 1ST May, 2000	(Earliest) Priority date (<i>day/month/year</i>) (29.04.1999) 29th April, 1999	
Title of Invention Non-Aqueous Liquid Shampoo Composition			
Box No. II APPLICANT(S)			
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>) Soltec Research Pty Ltd., 8 Macro Court, Rowville. Victoria 3178 Australia		Telephone No.: Facsimile No.: Teleprinter No.:	
State (i.e. country) of nationality: Australia		State (i.e. country) of residence: Australia	
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>) Fuchshuber, Lilian 38 Tinks Road, Narre Warren. Victoria 3805 Australia.			
State (i.e. country) of nationality: Australia		State (i.e. country) of residence: Australia	
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>) Harding, Ron, 128 Research Road, North Warrandyte. Victoria 3113. Australia.			
State (i.e. country) of nationality: Australia		State (i.e. country) of residence: Australia	
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.			

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is ☒ agent ☐ common representative

and ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.

☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.

☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country).*

Watermark Patent & Trademark Attorneys
290 Burwood Road,
Hawthorn, Victoria 3122
Australia

Telephone No.:

(613) 9819 1664

Facsimile No.:

(613) 9819 6010

Teleprinter No.:

AA 31762

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION**Statement concerning amendments: ***

1. This applicant wishes the International Preliminary Examining Authority to start on the basis of:

☒ the international preliminary examination as originally filed.

the description ☐ as originally filed

☐ as amended under Article 34)

the claims ☐ as originally filed

☐ as amended under Article 19 (together with any accompanying statement)

☐ as amended under Article 34

the drawings ☐ as originally filed

☐ as amended under Article 34

2. ☐ The applicant wishes any amendments to the claims under Article 19 to be considered as reversed.

3. ☐ The applicant wishes any amendments to the claims under Article 19 to be considered to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). (This check-box may be marked only where the time limit under Article 19 has not yet expired).

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: ENGLISH

☒ which is the language in which the international application was filed

☐ which is the language of a translation furnished for the purposes of international search.

☐ which is the language of publication of the international application.

☐ which is the language of the translation (to be furnished for the purposes of international preliminary examination).

Box No. V ELECTION OF STATES

The applicant hereby elects all eligible States *(that is, all States which have been designated and which are bound by Chapter II of the PCT)*

excluding the following States which the applicant wishes not to elect:

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box IV, for the purposes of international preliminary examination:

- | | | | | |
|----|---|---|-------|--------|
| 1. | translation of international application | : | _____ | sheets |
| 2. | amendment under Article 34 | : | _____ | sheets |
| 3. | copy (or, where required, translation) of amendments under Article 19 | : | _____ | sheets |
| 4. | copy (or, where required, translation) of statement under Article 19 | : | _____ | sheets |
| 5. | letter | : | _____ | sheets |
| 6. | other (<i>specify</i>) | : | _____ | sheets |

For International Preliminary Examining Authority use only

received

not received


☐☐☐☐☐☐☐☐☐☐☐☐

This demand is also accompanied by the item(s) marked below:

- | | | | | | |
|----|-------------------------------------|--|----|--------------------------|--|
| 1. | <input checked="" type="checkbox"/> | fee calculation sheet | 3. | <input type="checkbox"/> | statement explaining lack of signature |
| 2. | <input type="checkbox"/> | separate signed power of attorney | 4. | <input type="checkbox"/> | nucleotide and or amino acid sequence listing in computer readable |
| 3. | <input type="checkbox"/> | copy of general power of attorney; reference number, if any: | 5. | <input type="checkbox"/> | other (<i>specify</i>) |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the nature of the person signing the capacity in which the person signs (if such capacity is not obvious from reading the demand).


Amanda L Jones, Registered Patent Attorney
 For and on behalf of Watermark Patent and Trade Mark Attorneys

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply

☐

The applicant has been informed accordingly.

4. ☐ The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5

5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXECUTED pursuant to Rule 82

For International Bureau use only

Demand received from IPEA on:

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

To: WATERMARK PATENT & TRADEMARK ATTORNEYS Locked Bag 5 HAWTHORN VIC 3122		Date of mailing <i>day/month/year</i> 04 JUN 2001
Applicant's or agent's file reference P17237PC00	IMPORTANT NOTIFICATION	
International Application No. PCT/AU00/00389	International Filing Date 1 May 2000	Priority Date 29 April 1999
Applicant SOLTEC RESEARCH PTY. LTD. et al		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.

4. **REMINDER**

 The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

 Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

 For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized officer JENNIFER FERNANCE Telephone No. (02) 6283 2416
--	---

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P17237PC00	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU00/00389	International Filing Date (<i>day/month/year</i>) 1 May 2000	Priority Date (<i>day/month/year</i>) 29 April 1999
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A61K 47/44 A61P 17/04, 17/06, 17/14		
Applicant SOLTEC RESEARCH PTY. LTD. et al		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																								
2.	<p>This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheet(s).</p>																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 5%;">I</td> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td>Basis of the report</td> </tr> <tr> <td>II</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table>	I	<input checked="" type="checkbox"/>	Basis of the report	II	<input type="checkbox"/>	Priority	III	<input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input checked="" type="checkbox"/>	Certain observations on the international application
I	<input checked="" type="checkbox"/>	Basis of the report																							
II	<input type="checkbox"/>	Priority																							
III	<input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																							
IV	<input type="checkbox"/>	Lack of unity of invention																							
V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																							
VI	<input type="checkbox"/>	Certain documents cited																							
VII	<input type="checkbox"/>	Certain defects in the international application																							
VIII	<input checked="" type="checkbox"/>	Certain observations on the international application																							

Date of submission of the demand 16 November 2000	Date of completion of the report 16 May 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JENNIFER FERNANCE Telephone No. (02) 6283 2416

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
☐ claims Nos:

because:

- ☒ the said international application, or the said claims No. 10 relates to the following subject matter which does not require an international preliminary examination (*specify*):

Rule 67 lists the subject matter which under Article 34(4)(a)(i) an international preliminary examination is not required to be carried out. At item (iv) it specifies methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods, as such matter. However the agreement between WIPO and Australia further qualifies this by excepting from exclusion any subject matter which is examined under national grant procedures. Claim 10 has nonetheless been considered because the identified subject matter does not contravene Australian law.

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

- ☐ no international search report has been established for said claim Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 9	YES
	Claims 1-8, 10, 11	NO
Inventive step (IS)	Claims -	YES
	Claims 1-11	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims -	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1: EP 028525 A
D2: US 5866152 A
D3: US 5559092 A
D4: US 4126674 A
D5: AU 50181/90 A
D6: AU 42690/97 A
D7: Remington

Novelty (N) Claims 1-11

D7 (Remington) is cited as an example of common general knowledge of the art of cosmetics and pharmaceutical formulation chemistry. D1 discloses cosmetic and pharmaceutical compositions as claimed in claims 1-8, 10, and 11. D2, D3 and D5 disclose cosmetic and pharmaceutical compositions as claimed in claims 1, 4-8, 10 and 11. D4 discloses cosmetic and pharmaceutical compositions as claimed in claims 1, 2, 4, 7-8, 10 and 11. In light of comments made in Box VIII, D6 discloses claims 1-11.

The invention as claimed in claims 1-11 resides in the use of known cosmetic and pharmaceutical bulking/dispersing/solvents/thickening excipients such as PEG, hydroxypropylcellulose and PPG. The use of such agents in substantially non-aqueous compositions is known (for example, see Remington). The variation of concentration of these agents in order to obtain degrees of viscosity is also well known to the skilled addressee (a formulation chemist) as would the selection of a well known excipient in order not to adversely effect the detergent and/or pharmaceutical active. Thus the choice of bulking/dispersing/thickening excipient and its concentration does not confer novelty on these claims.

None of the cited documents disclose the composition of claim 9.

(Continued in Supplemental Box)

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The use of the term "detergent" within the claim includes compounds such as surfactants (also used as stabilisers). It also includes the use of perfume, ethanol etc. as all these compounds are detergents (cleaning agents).

The bulking agent can also have other activities, for example, glycerol and PEG.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of B x V

Inventive Step (IS) Claims 1-11

In light of comments made above, the person skilled in the art, with the same problem to be solved and in light of the given documents, alone or in combination and the common general knowledge of formulation chemistry, would be led to investigate the invention as presently claimed. The compounds of claim 9 are known pharmaceuticals only slightly soluble in water.

Industrial Applicability Claims 1-11

Claims 1-11 are considered to be industrial applicable.

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 08 JUN 2001

WIPO PCT

Applicant's or agent's file reference P17237PC00	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/AU00/00389	International Filing Date (<i>day/month/year</i>) 1 May 2000	Priority Date (<i>day/month/year</i>) 29 April 1999
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A61K 47/44 A61P 17/04, 17/06, 17/14		
Applicant SOLTEC RESEARCH PTY. LTD. et al		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																								
2.	<p>This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheet(s).</p>																								
3.	<p>This report contains indications relating to the following items:</p> <table border="0"> <tr> <td>I</td> <td><input checked="" type="checkbox"/></td> <td>Basis of the report</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td><input checked="" type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input checked="" type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table>	I	<input checked="" type="checkbox"/>	Basis of the report	II	<input type="checkbox"/>	Priority	III	<input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input checked="" type="checkbox"/>	Certain observations on the international application
I	<input checked="" type="checkbox"/>	Basis of the report																							
II	<input type="checkbox"/>	Priority																							
III	<input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																							
IV	<input type="checkbox"/>	Lack of unity of invention																							
V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																							
VI	<input type="checkbox"/>	Certain documents cited																							
VII	<input type="checkbox"/>	Certain defects in the international application																							
VIII	<input checked="" type="checkbox"/>	Certain observations on the international application																							

Date of submission of the demand 16 November 2000	Date of completion of the report 16 May 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JENNIFER FERNANCE Telephone No. (02) 6283 2416

I. Basis of the report

1. With regard to the **elements** of the international application:*
- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of
2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, was on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
4. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
☐ claims Nos:

because:

- ☒ the said international application, or the said claims No. 10 relates to the following subject matter which does not require an international preliminary examination (*specify*):

Rule 67 lists the subject matter which under Article 34(4)(a)(i) an international preliminary examination is not required to be carried out. At item (iv) it specifies methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods, as such matter. However the agreement between WIPO and Australia further qualifies this by excepting from exclusion any subject matter which is examined under national grant procedures. Claim 10 has nonetheless been considered because the identified subject matter does not contravene Australian law.

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

- ☐ no international search report has been established for said claim Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 9	YES
	Claims 1-8, 10, 11	NO
Inventive step (IS)	Claims -	YES
	Claims 1-11	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims -	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1: EP 028525 A
D2: US 5866152 A
D3: US 5559092 A
D4: US 4126674 A
D5: AU 50181/90 A
D6: AU 42690/97 A
D7: Remington

Novelty (N) Claims 1-11

D7 (Remington) is cited as an example of common general knowledge of the art of cosmetics and pharmaceutical formulation chemistry. D1 discloses cosmetic and pharmaceutical compositions as claimed in claims 1-8, 10, and 11. D2, D3 and D5 disclose cosmetic and pharmaceutical compositions as claimed in claims 1, 4-8, 10 and 11. D4 discloses cosmetic and pharmaceutical compositions as claimed in claims 1, 2, 4, 7-8, 10 and 11. In light of comments made in Box VIII, D6 discloses claims 1-11.

The invention as claimed in claims 1-11 resides in the use of known cosmetic and pharmaceutical bulking/dispersing/solvents/thickening excipients such as PEG, hydroxypropylcellulose and PPG. The use of such agents in substantially non-aqueous compositions is known (for example, see Remington). The variation of concentration of these agents in order to obtain degrees of viscosity is also well known to the skilled addressee (a formulation chemist) as would the selection of a well known excipient in order not to adversely effect the detergent and/or pharmaceutical active. Thus the choice of bulking/dispersing/thickening excipient and its concentration does not confer novelty on these claims.

None of the cited documents disclose the composition of claim 9.

(Continued in Supplemental Box)

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The use of the term "detergent" within the claim includes compounds such as surfactants (also used as stabilisers). It also includes the use of perfume, ethanol etc. as all these compounds are detergents (cleaning agents).

The bulking agent can also have other activities, for example, glycerol and PEG.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box VInventive Step (IS) Claims 1-11

In light of comments made above, the person skilled in the art, with the same problem to be solved and in light of the given documents, alone or in combination and the common general knowledge of formulation chemistry, would be led to investigate the invention as presently claimed. The compounds of claim 9 are known pharmaceuticals only slightly soluble in water.

Industrial Applicability Claims 1-11

Claims 1-11 are considered to be industrial applicable.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU00/00389

A. CLASSIFICATION OF SUBJECT MATTERInt. Cl. ⁷: A61K 47/44, A61P 17/06, 17/14, 17/04

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61K WITH ELECTRONIC DATABASE SEARCH TERMS AS INDICATED BELOW.

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
AU: IPC AS ABOVE

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

CAS/DERWENT/MEDLINE:

1) shampoo and [antifungal or fungal or dandruff or psoriasis or antipsoriasis or antibacterial]

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP-A-028525 (Orion-yhtymä Oy) 13 May 1981.	1-11
X	US A 5866152 (Takebayashi et al) 2 February 1999 -in particular col. 2 lines 8-36.	1-11
X	US A 5559092 (Gibson et al) 24 September 1996 -in particular col. 6 lines 3-60, col. 14 line 26-col. 18 line 19.	1-11

☒ Further documents are listed in the continuation of Box C ☒ See patent family annex

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

21 June 2000

Date of mailing of the international search report

05 JUL 2000

Name and mailing address of the ISA/AU

AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaustalia.gov.au
Facsimile No. (02) 6285 3929

Authorized officer

JENNIFER FERNANCE
Telephone No : (02) 6283 2416

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU00/00389

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US A 4126674 (Mausner) 21 November 1978 -in particular col. 1 lines 29-49, col. 3 lines 3-18 and the examples.	1-11
X	AU-A-50181/90 (Procter & Gamble Co.) 8 August 1991 -in particular pages 3-8, 12-16	1-11
X	AU-A-42690/97 (Procter & Gamble Co.) 2 April 1998 -in particular pages 1 and 2.	1-11
Y	Remington: The Science and Practice of Pharmacy, 19 th Ed ⁿ , 1995, Mack Publishing Co. Pages 1395-1406	1-11

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/AU00/00389

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
EP	028525	AR	224783	AU	63515/80	DK	4536/80
		GR	68425	JP	56097212	NO	803246
		PL	227579	ZA	8006112		
US	5866152	BR	9605972	EP	782849	JP	10081616
		TR	970489				
US	5559092	AU	38704/93	BR	9302025	CA	2096507
		EP	571198	JP	6032726		
US	4126674	AR	218450	AU	25048/77	BR	7702988
		CA	1091585	DE	2721278	ES	458646
		FR	2350835	IT	1079004	JP	53004010
		MX	148705	ZA	7702805	CH	612089
		GB	1566339				
AU	50181/90	CA	2013761	CN	1053743	JP	3232812
		JP	4134018	NZ	232706	PH	27556
		US	5104645				
AU	42690/97	WO	9810742	EP	868170	CA	2237557
		CN	1207035	US	5993787		
END OF ANNEX							